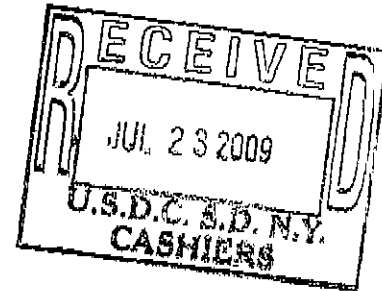


ECF CASE**Judge McMahon****IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK****STEEL INSTITUTE OF NEW YORK,****Plaintiffs,****v.****THE CITY OF NEW YORK,****Defendant.****09 CIV 6539**
CIVIL ACTION NO.**VERIFIED COMPLAINT FOR DECLARATORY RELIEF**

Plaintiff, THE STEEL INSTITUTE OF NEW YORK ("Institute"), hereby files this Verified Complaint against Defendant, THE CITY OF NEW YORK ("City"), respectfully showing this Honorable Court as follows:

PARTIES

1. The City is a municipal corporation, existing by virtue of the laws of the State of New York.
2. The Institute is a trust created under the laws of the State of New York with its principal place of business in New York, New York.
3. The Institute, which functions effectively as a membership organization, is committed to advancing the interest of the iron and steel industry in the greater New York area and of those who are engaged in the industry. The Institute is involved in the presentation of programs and activities which are likely to foster greater use of the industries' products and

services, the protection and expansion of work opportunities for the industry, the improvement of safety standards and the prevention of accidents.

4. The Institute has the authority to represent its members before governmental agencies and tribunals.

5. The Institute's members may serve on its Board of Trustees, and they alone finance the Institute's activities, including the costs of this lawsuit, through contributions to the Institute's trust fund.

6. The Institute represents the City of New York's steel industry companies and provides a means by which they express their collective views and protect their collective interests.

7. Institute members are actively involved in bidding for and performing construction work in the City and are subject to the City of New York's enforcement of the New York City Administrative Code §28-3319.1, §§ 28-3319.3 – 28-3319.8.7, §§ 28-3319.8.8(3)-(4) and §§ 28-3319.8.8(6)-(7), §§ 28-3319.9 – 28-3319.9.2, §§ 28-3316.1 – 28-3316.6, §§ 28-3316.7.1 – 28-3316.8 and Reference Standard 19-2, sections 3.0 – 8.1; 9.0; 10.0; 13.1 – 21, 22.2 – 30.0 (collectively the "City Statutes").

8. The interests of the Institute, and of its members, are being adversely affected by the enforcement of the City Statutes and will continue to be adversely affected if the declaratory and injunctive relief requested herein is not granted.

9. All conditions precedent to filing this action and to recovery of all relief sought in this Complaint have been satisfied, excused or waived.

JURISDICTION AND VENUE

10. The Institute files this action requesting declaratory relief under the Declaratory Judgments Act, 28 U.S.C. §§ 2201 and 2202 and a permanent injunction pursuant to F.R.C.P. 65.

11. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 over Plaintiff's cause of action for claims arising under the Constitution of the United States and 42 U.S.C. § 1983.

12. This Court has personal jurisdiction over the City which is located in the Southern District of New York.

13. Venue is proper in the Southern District of New York under 28 U.S.C. § 1391(b) because the City is subject to personal jurisdiction within the Southern District and the events which give rise to the action occurred within the Southern District of New York.

GENERAL ALLEGATIONS

14. The Institute alleges that the City Statutes are unenforceable as a matter of law for several reasons: the City Statutes are preempted by the Occupational Safety and Health Act of 1970 ("OSH Act"), as amended, Public Law 91-596, 29 U.S.C. 651 *et seq.*; the City Statutes violate the Supremacy Clause; the City Statutes violate the Commerce Clause; and, the City Statutes violate the Due Process Clause.

15. Pursuant to its exclusive power over matters of occupational health and safety, the federal government has established a comprehensive system of laws, regulations, procedures, and administrative agencies to regulate occupational safety and health.

16. Congress created the OSH Act upon a finding that "personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to,

interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.” 29 U.S.C. § 651(a).

17. Congress explicitly stated that the Secretary of Labor was responsible for setting “mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions.” 29 U.S.C. § 651(b)(3).

18. The Occupational Safety and Health Administration (the “OSH Administration”) has promulgated regulations which apply to Cranes and Derricks at 29 C.F.R. § 1926.550. This section requires that “employees shall comply with the manufacturer’s specifications and limitations applicable to the operation of any and all cranes and derricks.” 29 C.F.R. § 1926.550 (a)(1).

19. The OSH Administration has promulgated definitions which support the OSH Act at 29 C.F.R. § 1926.32.

20. The OSH Administration has promulgated regulations which apply to “material hoists, personnel hoists, and elevators” at 29 C.F.R. § 1926.552. This section requires that “the employer shall comply with the manufacturer’s specifications and limitations applicable to the operation of all hoists and elevators. Where manufacturer’s specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.” 29 C.F.R. § 1926.552(a)(1).

21. The OSH Administration has promulgated regulations which apply to “Crawler locomotive and truck cranes” at 29 C.F.R. § 1926.550(b).

22. The OSH Administration has promulgated regulations which apply to “Overhead and gantry cranes” 29 C.F.R. § 1926.550(d).

23. The OSH Administration has promulgated regulations which apply to tower cranes at 29 C.F.R. § 1926.550.

24. The OSH Administration has promulgated regulations which apply to slings at 29 C.F.R. § 1926.550(a)(1); 29 C.F.R. 1926.251 and 29 C.F.R. 1926.251(d)(6).

25. The OSH Administration has promulgated regulations which apply to "Rigging equipment for material handling" at 29 C.F.R. § 1926.251.

26. The OSH Administration has promulgated regulations which apply to "Hoisting and rigging" at 29 C.F.R. § 1926.753.

27. The OSH Act provides that "the Act is read as preventing any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which a Federal standard has been issued under section 6 of the Act." 29 CFR § 1902.1(a).

28. Congress stated that "[a]ny State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under 29 U.S.C. § 655 *shall* submit a State plan for the development of such standards and their enforcement." 29 U.S.C. § 667 (emphasis added).

29. The City has developed, adopted into law, and is enforcing the City Statutes. For example, the City's Mobile On-Site and Annual Inspection Checklist is attached hereto as "*Exhibit A*".

30. The City Statutes relate to occupational health and safety issues with respect to which Federal Standards have been promulgated under 29 U.S.C. § 655.

31. New York City Administrative Code §§28-3319.1, §§28-3319.3 - 28.3319.8.7, §§ 3319.8.8(3)-(4), §§ 3319.8.8(6)-(7) (the "City Crane Statute") regulates how workers erect, jump, climb and dismantle tower and climber cranes. A complete copy of the City Crane Statute is attached hereto as "*Exhibit B*".

32. The City Crane Statute regulates worker safety by requiring "the construction, installation, inspection, maintenance and use of cranes and derricks [to be] in conformance with the requirements of this section, section 3316, and with the rules promulgated by the commissioner." See § 28-3319.1.

33. The City Crane Statute regulates worker safety by requiring construction site safety meetings, crane inspections, and erection and dismantling operations.

34. The City Crane Statute violates the OSH Act because it regulates occupational safety and health issues for which federal standards have been promulgated. A chart illustrating the federal standards addressing occupational safety and health issues that the City Crane Statue impermissibly regulates is attached hereto as "*Exhibit B-1*".

35. New York City Administrative Code (Building Code) §§ 28-3319.9 through 3319.9.2 regulates workers' use of slings with cranes (the "City Sling Statute"). A complete copy of the City Sling Statute is attached hereto as "*Exhibit C*".

36. The City Sling Statute relates to occupational health and safety. It requires that "slings shall be used in accordance with [its] requirements and any rules promulgated by the commissioner" and that "nylon slings shall only be used in conjunction with climbing and tower crane erection, jumping, climbing, and dismantling if the manufacturer's manual specifically states or recommends the use of nylon slings." A chart illustrating the federal

standards addressing occupational safety and health issues that the City Sling Statute impermissibly regulates is attached hereto as "*Exhibit C-1*".

37. Reference Standard 19-2, sections 3.0 - 8.1; 9.0; 10; 13.1 - 21, 22.2 - 30.0, regulates power operated cranes and derricks ("RS 19-2"). A complete copy of RS 19-2 is attached hereto as "*Exhibit D*" and incorporated herein by reference.

38. RS 19-2 relates to occupational health and safety. It applies to workers engaged in the "the construction, installation, inspection, maintenance and use of power operated cranes and derricks used for hoisting and/or rigging purposes; or used for the construction, alteration, demolition, excavation and maintenance purposes, including highways or sewers; or used for the installation of piles; or used for the hoisting or lowering of any article on the outside of any building or structure." A chart illustrating the federal standards addressing occupational safety and health issues that RS 19-2 impermissibly regulates is attached hereto as "*Exhibit D-1*".

39. New York City Administrative Code (Building Code) §§ 28-3316.1 - 28-3316.6, §§ 28-3316.7.1 - 28-3316.8 regulates workers' use of hoisting equipment (the "City Hoisting Equipment Statute"). A complete copy of the City Hoisting equipment Statute is attached hereto as "*Exhibit E*" and incorporated by reference.

40. The City Hoisting Equipment Statute relates to Occupational Health and Safety. It mandates that "hoisting equipment shall meet and be used in accordance with the requirements of this section." See § 28-3316.1. A chart illustrating the federal standards addressing occupational safety and health issues that the City Hoisting Equipment Statute impermissibly regulates is attached hereto as "*Exhibit E-1*".

COUNT I - VIOLATION OF THE OSH ACT

41. The Institute realleges and incorporates by reference Paragraphs 1 through 40 of this Verified Complaint as if fully set forth herein.

42. Only the Secretary of Labor can approve a plan submitted by a State that attempts to supersede the requirements of the OSH Act.

43. The State of New York does not have an OSH Act approved State plan.¹

44. As a result, the City Statutes are in direct violation of the preemption provisions of the OSH Act.

WHEREFORE the Institute requests: (i) declaratory judgment that the City Statutes are preempted by the OSH Act and are invalid and unenforceable; (ii) permanent injunctive relief prohibiting the City, any subdivision thereof, any City official, and any City employee from enforcing the City Statutes; (iii) an award of reasonable attorneys' fees and costs associated with this action; and, (iv) such other relief as the Court deems just and proper.

COUNT II - VIOLATION OF THE SUPREMACY CLAUSE

(Article VI, Section 2, of the United States Constitution; 42 U.S.C. § 1983)

45. The Institute realleges and incorporates by reference Paragraphs 1 through 40 of this Verified Complaint as if fully set forth herein.

46. Article VI, Section 2, of the United States Constitution, known as the Supremacy Clause, provides:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be

¹ The State of New York does have an OSH Act approved State plan for government workers.

bound thereby, anything in the Constitution of Laws of any State to the Contrary notwithstanding.

47. The Supremacy Clause mandates that federal law preempts any state regulation of any area over which Congress has expressly or impliedly exercised exclusive authority or which is constitutionally reserved to the federal government.

48. In 1979, the United States Government through the Department of Labor legislated Safety and Health Regulations for Construction. 29 C.F.R. § 1926. The Institute's members are subject to these OSH Act requirements.

49. Pursuant to 29 U.S.C. § 667, entitled "State Jurisdiction and Plans," state standards for occupational health and safety may be promulgated in the "absence of applicable Federal standards." Thus, a state agency may assert jurisdiction under state law over any occupational safety or health issue with respect to which no standard is in effect under 29 U.S.C. § 655.

50. As set forth in paragraphs 18 through 25 above, the OSH Act provides standards for Cranes, Derricks, Hoists and Slings. These standards were promulgated under 29 U.S.C. § 655.

51. New York State has not obtained the requisite approval of the Secretary of Labor to enact the City Statutes.

52. The City Statutes are occupational safety and health standards relating to occupational safety or health issues with respect to which a federal standard has been promulgated and are in direct violation of the preemption provisions of the OSH Act.

53. Accordingly, the City Statutes are preempted by federal law.

WHEREFORE the Institute requests: (i) declaratory judgment that the City Statutes, violate the Supremacy Clause of the United States Constitution and are invalid and unenforceable; (ii) permanent injunctive relief prohibiting the City, any subdivision thereof, any City official, and any City employee from enforcing the City Statutes; (iii) an award of reasonable attorneys' fees and costs associated with this action; and (iv) such other relief as the Court deems just and proper.

COUNT III - COMMERCE CLAUSE

(United States Constitution, Art. I, § 8, cl. 3. and 42 U.S.C.A. § 1983)

54. The Institute re-alleges and incorporates by reference Paragraphs 1 through 40 of this Complaint as if fully set forth herein.

55. 29 U.S.C.A. § 667 states that "the Secretary shall approve the plan submitted by a State ... if such plan in his judgment provides for the development of safety and health standards relating to one or more safety or health issues ... and do not unduly burden interstate commerce."

56. The City Statutes, which have not been approved by the Secretary, unduly burden interstate commerce.

57. For example, RS 19-2 § 4.0 provides specifications for the design and construction of mobile cranes.

58. RS 19-2 § 4.1.2 states that mobile cranes and their components manufactured and submitted "on or after October 1, 2006, shall, in their entirety, be designed and constructed in accordance with one of the following standards: ANSI B30.5-2004 Chapter 5-1 except section 5-1.9.5; [or] CEN EN 13000(2004) except section 4.2.6."

59. RS 19-2 § 2.33.1 defines a mobile crane as “a crawler crane; a truck crane; or a wheel mounted crane.”

60. 29 C.F.R. § 1926.5509b)(2) states that “all crawler, truck, or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ANSI B30.5-1968, Safety Code for Crawler, Locomotive and Truck Cranes.”

61. RS 19-2 requires all crawler, locomotive and truck cranes constructed after October 1, 2006 and used in the City to be designed and constructed in accordance with different ANSI standards than those promulgated under the federal statute.

62. The Commerce Clause provides that “Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” U.S. Const., Art. I, § 8, cl. 3. The Commerce Clause implicitly restricts the states’ power to burden interstate commerce. The Commerce Clause thus denies the States the power to unjustifiably discriminate against or burden interstate commerce.

63. Pursuant to its exclusive power over matters concerning the Commerce Clause, Congress authorized “the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under this chapter.” 29 U.S.C. § 651(c).

64. These federal safety regulations were created “through the exercise of [Congress’] powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare...” 29 U.S.C. § 651(b).

65. With RS 19-2, the City has enacted a standard for cranes distributed or used in interstate commerce which is more stringent than the federal standard.

66. Under the Dormant Commerce Clause, the City cannot enact a regulation which burdens interstate commerce if the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.

67. RS 19-2 unduly burdens interstate commerce in violation of the Dormant Commerce Clause of the United States Constitution because it impacts the free flow of goods and services into the City. Crawler, locomotive and truck cranes constructed after October 1, 2006 in accordance with the ANSI B30.5-1968 standards are forbidden, under RS 19-2, from operating within the City.

68. The Institute's members cannot use OSH Act compliant cranes in the City whereas these same cranes may be used statewide and countrywide without recourse.

WHEREFORE the Institute requests: (i) declaratory judgment that the City Statutes violate the Dormant Commerce Clause of the United States Constitution and are void, unenforceable and without effect; (ii) permanent injunctive relief prohibiting the City, any subdivision thereof, any City official, and any City employee from enforcing the City Statutes; (iii) an award of reasonable attorneys' fees and costs associated with this action pursuant to sections 20 U.S.C.A. §§ 1983 and 1988; and (iv) such other relief as the Court deems just and proper.

COUNT IV – VIOLATION OF PROCEDURAL DUE PROCESS
(The Due Process Clause of the Fourteenth Amendment; 42 U.S.C. § 1983)

69. The Institute re-alleges and incorporate by reference Paragraphs 1 through 40 of this Complaint as if fully set forth herein.

70. The Fourteenth Amendment of the United States Constitution provides that “[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor to deny to any person within its jurisdiction the equal protection of the laws.”

71. City Statutes allow for the arbitrary and capricious enforcement of the requirements to operate a crane or derrick in the City. The substantial discretion granted to the City Building Officials carries an inherent risk of arbitrary enforcement.

72. Section 28-3319.9, New York City Administrative Code, states that “slings shall be used in accordance with . . . any rules promulgated by the commissioner.”

73. RS 19-2 § 3.1 states that “in lieu of the engineer’s certification of the design calculations, the engineer may submit a third-party certification . . . acceptable to the commissioner . . .”

74. RS 19-2 § 10.0 states that “application for renewal of a certificate of operation, as stipulated in C26-1904.4 (c), shall be accompanied by inspection and maintenance records in accordance with 15.1 and 18.1. Upon approval of the application, a new certificate of operation shall be issued after a satisfactory inspection by a department inspector.”

75. RS 19-2 § 30.0 further states that “the commissioner may, at his discretion, modify or waive any of the foregoing requirements where practical difficulties in complying with particular sections exist and public safety is not endangered thereby.”

76. Section 28-3319.1 of the New York City Administrative Code incorporates by reference the provisions of section 28-3316 of the New York City Administrative Code. At sections 28-3316.2, § 28-3316.3, § 28-3316.4.1, § 28-3316.5, § 28-3316.6, § 28-3316.7.1 and

§28-3316.8, the New York City Administrative Code contains provisions which allow for substantial discretion to be afforded the Building Commissioner.

77. As noted above, the City Statutes contain provisions which violate and interfere with the liberty and property rights of the Plaintiff's members under the Due Process Clause of the Fourteenth Amendment by imposing severe civil sanctions and/or forfeitures for the commission of purported civil offenses which can be arbitrarily and discriminatorily enforced.

78. City officials therefore have the right to promulgate and enforce rules and standards without a public hearing.

79. The Institute's members have been arbitrarily cited with numerous non-hazardous conditions, which are not explicitly covered or proscribed under the City Statutes but have been deemed to be violations of the respective statute in which they are contained under the Building Commissioner's vast authority.

80. Such arbitrary, subjective enforcement has lead to the issuance of citations and penalties to the Institute's members and issuance of stop work orders.

WHEREFORE the Institute requests: (i) declaratory judgment that City Statutes violate the Due Process Clause of the Fourteenth Amendment and are void, unenforceable and without effect; (ii) permanent injunctive relief prohibiting the City, any subdivision thereof, any City official, and any City employee from enforcing the City Statutes (iii) an award of its reasonable attorneys' fees and costs associated with this action pursuant to sections 20 U.S.C.A. 1983 and 1988; and (iv) such other relief as this Court deems just and proper.

COUNT V – VIOLATION OF SUBSTANTIVE DUE PROCESS
(The Due Process Clause of the Fourteenth Amendment; 42 U.S.C. § 1983)

81. The Institute realleges and incorporates by reference Paragraphs 1 through 40 of this Complaint as if fully set forth herein.

82. The Due Process Clause of the Fourteenth Amendment to the United States Constitution guarantees certain fundamental rights, including the right to a meaningful hearing prior to the deprivation of liberty or property.

83. The right to conduct business and earn a profit is a property interest protected by the Fourteenth Amendment.

84. Under 29 C.F.R. 1926.550(b)(2), the Institute's members are allowed to utilize crawler, locomotive, and truck cranes which are constructed and utilized and which meet the design specifications of the American National Standard Safety Code for Crawler, Locomotive, and Truck Cranes, ANSI B30.5-1968.

85. RS 19-2 § 4.1.2 states that mobile cranes and their components manufactured and submitted "on or after October 1, 2006, shall, in their entirety, be designed and constructed in accordance with one of the following standards: ANSI B30.5-2004 Chapter 5-1 except section 5-1.9.5; [or] CEN EN 13000(2004) except section 4.2.6."

86. RS 19-2 § 4.1.2 unreasonably, and in violation of the Institute's members' due process rights, prohibits the use of OSHA authorized equipment in the City.

87. Crawler, locomotive, and truck cranes which are acceptable under the OSH Act as being constructed in accordance with ANSI B30.5-1968 are prohibited from being used in the City if such equipment is manufactured and submitted on or after October 1, 2006.

88. The Institute's member businesses are entitled to, but have been denied, due process of law prior to the taking of their equipment by an act of a state agency.

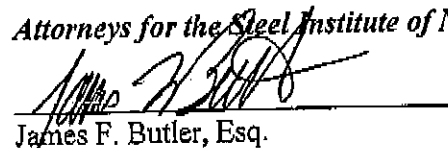
89. Institute's member businesses seeking to do business in the City are harmed by the regulation that is not rationally related to a legitimate City interest.

WHEREFORE the Institute request: (i) declaratory judgment that RS 19-2 § 4.1.2 violates the Due Process Clause of the Fourteenth Amendment and is void, unenforceable and without effect; (ii) permanent injunctive relief prohibiting the City, any subdivision thereof, any City official, and any City employee from enforcing RS 19-2 § 4.1.2; (iii) an award of its reasonable attorneys' fees and costs associated with this action pursuant to sections 20 U.S.C.A. 1983 and 1988; and (iv) such other relief as this Court deems just and proper.

Respectfully submitted,

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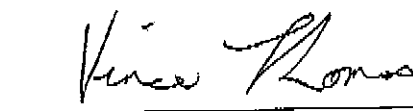
VERIFICATION

I, WILLIAM SHUZMAN, being first duly sworn, do hereby certify that I am the Executive Director of the Steel Institute of New York, and am authorized to make this Verification for and on behalf of Steel Institute of New York. I have read the foregoing VERIFIED COMPLAINT and know the contents thereof. The allegations contained in the foregoing Verified Complaint are true and correct to the best of my knowledge and the information available to me.



WILLIAM SHUZMAN

SWORN TO AND SUBSCRIBED before me
this 17 day of July 2009.



Notary Public

My commission expires: 12.19.09

VINCE THOMAS
Notary Public, State of New York
No. 01TH6138577
Qualified in Kings County
COMMISSION EXPIRES 12/19/2009



NYC Dept. of Buildings Cranes & Derricks Division - 286 Broadway, Room 601, New York, NY 10007
Tel: (212) 558-4999 Fax: (212) 558-5071 E-mail: candd@buildings.nyc.gov

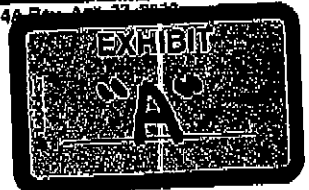
MOBILE ON-SITE AND ANNUAL INSPECTION CHECKLIST

1. Inspection Information				
Date of Inspection:	Site Location:			
Inspector Name:	Badge No.:			
Type of Inspection: Annual Re-inspection On-Site Audit Patrol Sweep Chief Special SVO Lift Complaint#	Complaint#			
Inspection Results: No Deficiencies Issue CD Re-inspect SVO Issued #	Number of Violations Issued			
2. Crane Data				
Make:	Model:			
Serial No.:	Year:			
CD:	Expiration Date:			
Max Capacity:	Picture Taken: Y N			
Crane Type: (ST) Boom Truck (CG) Crawler Crane (D) Derrick (MC) Mobile Crane (MMC) Multi-Station Mobile Crane (MT) Mobile Truck Tower Crane (P) Pole Driver				
3. Crane Owner Information				
Crane Owner Name:	Contact Name:			
	Telephone:			
4. User Information				
Company Name:	Contact Name:			
	Telephone:			
5. Rigger Information				
Last Name:	First Name:			
MI:				
Licence No.:	Expiration Date:			
Type:	Master Tower Special Master Hanger Special Hanger			
6. Crane Safety Coordinator Information				
Last Name:	First Name:			
MI:				
Licence No.:	Expiration Date:			
On Site:	Y N NA			
7. Hoist Machine Operator Information				
Last Name:	First Name:			
MI:				
Licence No.:	Expiration Date:			
Type:	Class A Class B Class C1 Class C2 Class C3			
8. General Contractor Site Safety Manager Information				
Company Name:	Contact Name:			
	Telephone:			
Licence No.:	Expiration Date:			
General Contractor	Site Safety Manager			
9. ON-SITE INSPECTION				
Item No.	Inspected Item	Code Section	SVO #1	Status*
9a. Piling Application & Plan Data				
1	Approved Permits & Plans on site	BC 318.4 & 5	1	
2	Supporting Soil/Pad/Mat	RS 19-2.2.1.1 & 2.4	1	
3	Crane set-up conformity	RS 19-2.4.0	1	
4	CN - On-Site Sign-off (CD-4)	RS 19-2.5.1	1	
5	GD - Approved OD (GD-2)	BC 319.4 & 5	1	
9b. Daily/Weekly Inspection Reports				
6	Daily/Weekly Inspection Reports	RS 19-2.1.6	2	
7	Signed & Dated	RS 19-2.1.6	2	
9c. General				
8	Main Frame Member	RS 19-2.15.4.1	2	
9	see section 10b page 2	Items 5, 7, 8 & 10	2	
10	see section 10f page 2	Items 48 thru 56	1	
11	see section 10g page 2	Items 57 thru 60	1	
9d. Operator's Own & Station				
12	see section 10h page 2	Items 64, 72, 77, 79, 80, 82-84		
13	see section 10i page 2	Items 85 & 88	1	
9e. ON-SITE INSPECTION - CONTINUED				
Item No.	Inspected Item	Code Section	SVO #1	Status*
14	see section 10j page 2	Items 92-100, 102 & 103		
15	Excess Smoke	RS 19-2.13.4.7	2	
16	see section 10k page 2	Items 105, 108 & 109	2	
17	Tumble	RS 19-2.15.4.4	1	
18	Pumps/Motors/Valves/Line/Tubes	RS 19-2.15.4.4	1	
19	Ring Gear/Pinion Gear/Rollers	RS 19-2.15.4.4	1	
20	Main Hoist and Rope	see sections 9f & 9i	1	
21	Auxiliary Hoist and Rope	see sections 9f & 9i	1	
22	Boom Hoist and Rope	see sections 9f & 9i	1	
23	Lifting Boom Hoist and Rope	see sections 9f & 9i	1	
24	see section 10b page 3	Items 148, 150 & 154	1	
25	see section 10c page 3	Items 160, 170 & 172	1	
26	see section 10d page 3	Items 186-190	1	
27	see section 10f page 3	Items 191/192-c & f	1	

Mobile On-Site and Annual Inspection Checklist

Page 1 of 4

(Draft) C & D Form CD-14A Rev. 07/23/09



10. ANNUAL INSPECTION				
Item No.	Inspected Item	Code Section	SWO #1	Status*
10a. Historical Data				
1	Monthly Inspection Records	**830.5-2.1.6	2	
2	Maintenance Records	RS 18-2.17.1.1	2	
3	Repair/Modification Records	RS 18-2.17.3.4	2	
4	Other			
10b. General				
5	Sheet Metal	**830.5-1.2.1(a)	2	
6	Guards/Covers	1826.550(a)(8) & (19)	2	
7	Internal/External Lights	1926.501(2)(i) & (ii)	2	
8	Housekeeping	RS 19-2.25.0	2	
9	Safety/Warning Decals & Labels	1926.550(a)(2)	2	
10	Hand Signal Chart	1926.550(a)(4)	2	
11	Paint Condition/Corrosion Control	RS 19-2.15.4.1	2	
12	Other			
10c. Driver's Cab/Operator's Station				
13	Access - Grab Rails/Steps	1926.550(a)(13)(i) & (ii)	2	
14	Glass	1926.550(a)(12)	1	
15	Windshield Wiper(s)	1926.501(b)(2)(i) & (ii)	2	
16	Door(s) Restraint(s)	**830.5-1.3.1.(c)	2	
17	Mirrors	1926.501(b)(4)	2	
18	Fire Extinguisher	RS 19-2.25.0	2	
19	Seat(s) Restraint(s)	1926.501(b)(8)	2	
20	Seat Belt(s)	1926.501(b)(9)	2	
21	Parking Brake	1926.501(b)(1)	2	
22	Air Pressure	RS 19-2.15.3.4	2	
23	Controls Identified	1926.550(a)(2)	2	
24	Instruments/Gauges	RS 19-2.15.4.6	2	
25	Electrical Switches/Functions	RS 19-2.15.3	2	
26	Horn	1926.501(b)(3)	2	
27	Lights	1926.550(a)(1)	2	
28	Steering	RS 19-2.15.4.10	2	
29	Engine Clutch	**830.5-1.3.4	2	
30	Accelerator	**830.5-1.3.3(b)	2	
31	Brake	RS 19-2.15.4.10	2	
32	Other			
10d. Carryover Plant - Lower				
33	Performance	RS 19-2.15.4.7	2	
34	Exh System/Guards & Insulators	1926.550(a)(10)	2	
35	Belts/Hoses	RS 19-2.15.4	2	
36	Guard/Cover/Rotat & Recip Parts	1926.550(a)(8)	2	
37	Other			
10e. Carryover Plant - Upper				
38	Transmission	RS 19-2.15.4	2	
39	Drive Line	RS 19-2.15.4	2	
40	Tire/Air Pressure/Wheels	RS 19-2.15.4.11	2	
41	Main Frame Members	RS 19-2.15.4.1	2	
42	Hydraulic Hoses/Tubing/Fitting	830.5-2.1.3(i)	1	
43	Hydraulic Fluid Level	830.5-2.1.3(i)	1	
44	Anti-Skid Surface	1926.550(a)(13)(iii)	2	
45	Front Bumper Counterweight	RS 19-2.15.4(264)	2	
46	Backup Alarm	1926.501(b)(4)(i)	2	
47	Other			
10f. Outriggers				
48	Boxes	RS 19-2.15.4.1	1	
49	Beams	RS 19-2.15.4.1	1	
50	Cylinders	RS 19-2.15.4	1	
51	Floats/Pads	**830.5-1.3.3(d)	1	
52	Hydraulic Hoses/Tubes/Fittings	RS 19-2.15.4.4	1	
53	Holding Valves	**830.5-1.3.3(b)	1	
54	Position Locks	RS 19-2.15.4.4	1	
55	Warning Signs	1926.550(a)(2)	1	
56	Blocking/Cribbing		1	

10. ANNUAL INSPECTION - CONTINUED				
Item No.	Inspected Item	Code Section	SWO #1	Status*
10g. Crawler Assembly				
57	Car Body/Slide Frames	**830.5-1.8	1	
58	Chain - Condition/Adjustment	RS 19-2.15.4.8	1	
59	Sprockets/Idlers/Rollers	RS 19-2.15.4	1	
60	Track Pads/Pins	RS 19-2.15.4	1	
61	Travel Locks	**830.5-1.3.3(a)	1	
62	Steering Clutches	**830.5-1.5.2(b)	1	
63	Other			
10h. Operator's Cab/Station				
64	Grab Rails/Steps/Platforms	1926.550(a)(13)(i) & (ii)	2	
65	Anti-Skid Surface	1926.550(a)(13)(iii)	2	
66	Glove	1926.550(a)(12)	1	
67	Windshield Wiper(s)	1926.501(b)(2)(i) & (ii)	1	
68	Door Restraint	**830.5-1.3.1.(c)	2	
69	Fire Extinguisher	RS 19-2.25.0	2	
70	Mirrors	1926.501(b)(4)	2	
71	Seat Restraint	1926.501(b)(8)	2	
72	Seat Belt/If required	1926.501(b)(9)	2	
73	Operator's Manual	1926.550(a)(1)	1	
74	Operating Instructions/Decals	1926.550(a)(2)	2	
75	Electrocution Warning Sign - Inside	1926.550(a)(2)	2	
76	Hand Signal Chart	1926.550(a)(4)	1	
77	Swing Brake/House Lock	**830.5-1.4.2(a)/(b)	1	
78	Positive Swing Lock	**830.5-1.4.2(b)	1	
79	Controls - Forces/Movements	**830.5-1.6.2	1	
80	Air Pressure	RS 19-2.15.3.4	2	
81	Foot Brakes - Latches/Linkage	**830.5-1.3.2(b)(2)	1	
82	Power Controlled Lowering	**830.5-1.3.2(a)	1	
83	Engine Clutch	**830.5-1.3.4	2	
84	Accelerator/Throttle Control	**830.5-1.3.3(b)	2	
85	Other			
10i. Load Chart				
86	Per Configuration	1926.550(a)(1 & 2)	1	
87	Durable	**830.5-1.1.3	1	
88	Legible	**830.5-1.1.3	1	
89	Visible from Operator's Station	**830.5-1.1.3	1	
90	Secured	**830.5-1.1.3	2	
91	Other			
10j. Gates, Panels/Operational Aids				
92	Warning Decals	1926.550(a)(2)	1	
93	Boom Angle Indicator	RS 19-2.19.1.3	1	
94	Main Drum Rotation Indicator	RS 19-2.19.3(a)	1	
95	Auxiliary Drum Rotation Indicator	RS 19-2.19.3(b)	1	
96	Load Moment Indicator	**830.5-2.1.2(a)(3)	1	
97	Load Weight Indicator	RS 19-2.19.1	1	
98	Radius Indicator	RS 19-2.19.1.3	1	
99	Crane Level Indicator	RS 19-2.19.3(d)	1	
100	Anti-Two Block Device	RS 19-2.19.2	1	
101	Two-Block Warning Device	RS 19-2.19.2	1	
102	Boom Hoist Shutoff	RS 19-2.19.3(j)	1	
103	Boom Hoist Ratchet and Pawl	**830.5-1.3.1(c)	1	
104	Other			
10k. Power Plant - Power				
105	Performance	RS 19-2.15.4.7	2	
106	Exh System Guards & Insulators	1926.550(a)(10)	2	
107	Belts/Hoses	830.5-2.1.3	2	
108	Guard Cover/Rotat & Recip Parts	1926.550(a)(8)	2	
109	Other			
10l. Rotating Upper Structure (URS)				
110	Turntable/Bearing	RS 19-2.15.4.4	1	
111	Turntable - Rollers/Roller Path	RS 19-2.15.4.4	1	
112	Ring Gear/Pinion Gear	RS 19-2.15.4.4	1	

10. ANNUAL INSPECTION - CONTINUED				
Item No.	Inspected Item	Code Section	SWO #1	Status
113	Hydraulic Pump(s)	B30.5-2.1.3(m)	1	
114	Hydraulic Pressure	B30.5-1.3(n)(5)	1	
115	Electrical Wiring	RS 19-2.15.3.7	1	
116	Main Hoist - Clutches/Brakes	B30.5-1.3.2(a)(1)	1	
117	Main Hoist - Wrapping On Drum	RS 19-2.15.3.8	1	
118	Main Hoist - Min Rope Wraps	B30.5-1.3.2(a)(2)	1	
119	Auxiliary Hoist - Clutches/Brakes	B30.5-1.3.2.1	1	
120	Auxiliary Hoist - Wrap On Drum	RS 19-2.15.3.8	1	
121	Auxiliary Hoist - Min Rope Wraps	B30.5-1.3.2(a)(2)	1	
122	Boom Hoist - Clutches/Brakes	B30.5-1.3.1(w)	1	
123	Boom Hoist - Wrapping On Drum	RS 19-2.15.3.8	1	
124	Boom Hoist - Min Rope Wraps	B30.5-1.3.1(x)(1)	1	
125	Boom Hoist - Gears/Shafts/etc...	RS 19-2.15.4.4	1	
126	Swing System/Assembly	B30.5-1.4	1	
127	Hydraulic Motor/Valve/Line/etc...	B30.5-2.1.3	1	
128	Drums/Flanges	RS 19-2.15.4.3	1	
129	Clutch/Brake Protection	B30.5-1.8.7	1	
130	Torque Converter	B30.5-1.8.4	1	
131	Anti-Skid Surface	1928.550(a)(1)(X)(II)	2	
132	Steps/Hand Holds/Platforms	B30.5-1.8.3(b)	1	
133	Access to Cab and Roof	B30.5-1.8.4	1	
134	Air System - Compressor/Line/etc...	RS 19-2.15.3.4	1	
135	Counterweight Frame & Mounting	RS 19-2.15.4.1 & 4	1	
136	Counterweight Warning Signs	1928.550(a)(2)	1	
137	Electrocution Warning Sign Outside	1928.550(a)(3)	1	
138	Other		1	
139 Boom Support System				
139	Gantry/Mast	B30.5-1.3.1	1	
140	Boom Stops	RS 19-2.15.3.6	1	
141	Inner Ball	B30.5-1.3.1	1	
142	Outer Ball/Equalizer	B30.5-1.3.1	1	
143	Sheaves	RS 19-2.15.4.3	1	
144	Boom Hoist Reaving	RS 19-2.15.5.5	1	
145	Other			
146 Lattice Boom				
146	Boom Section Identification		2	
147	Boom Section Sequence		1	
148	Boom Section Alignment	RS 19-2.15.4.1	1	
149	Warning Decals	1928.550(a)(2)	2	
150	Spreader Bar		1	
151	Sheaves	RS 19-2.15.4.3	1	
152	Hoist Line Dead End	B30.5-1.7.3	1	
153	Wire Rope Retainer(s)	B30.5-1.7.4(b)	1	
154	Boom Foot Pins/Keepers	RS 19-2.15.4.4	1	
155	Boom Head Section	RS 19-2.15.4.1	1	
156	Auxiliary Boom Head	RS 19-2.15.4.1	1	
157	Lattice Member	RS 19-2.15.4.1	1	
158	Cord Members	RS 19-2.15.4.1	1	
159	End Connections/Pins	RS 19-2.15.4.1 & 4	1	
160	Other			
161 Lattice Jib				
161	Positive Slope	1928.550(b)(1)	1	
162	Sheave(s)	RS 19-2.15.4.3	1	
163	Wire Rope Retainer(s)	B30.5-1.7.4(b)	1	
164	Lattice Member	RS 19-2.15.4.1	1	
165	Cord Members	RS 19-2.15.4.1	1	
166	End Connections/Pins	RS 19-2.15.4.1 & 4	1	
167	Other			
168 Telescopic Boom				
168	Lift Cylinder(s)	B30.5-2.1.3(o)	1	
169	Telescoping Cylinder(s)	B30.5-2.1.3(o)	1	

10. ANNUAL INSPECTION - CONTINUED				
Item No.	Inspected Item	Code Section	SWO #1	Status
170	Hydraulic Hoses/Tubing Fittings	B30.5-2.1.3(o)	1	
171	Holding Devices	B30.5-2.1.3(o)	1	
172	Boom Section Alignment	RS 19-2.15.4.1	1	
173	Wear Pads	RS 19-2.15.4.5	1	
174	Equal Extension	RS 19-2.15.4	1	
175	Sheaves	RS 19-2.15.4.3	1	
176	Structure/Welds		1	
177	Boom Hinge Pin	RS 19-2.15.4.4	1	
178	Boom Head Section	RS 19-2.15.4.1	1	
179	Wire Rope Retainer	B30.5-1.7.4(b)	1	
180	Other			
181	Other			
182 Boom Extension Manual Sections				
182	Alignment	RS 19-2.15.4.1	1	
183	Locking Devices	RS 19-2.15.4.4	1	
184	Structure/Welds		1	
185	Other			
186 Wire Rope				
186a	Size/Construction:	Inch RS 19-2.15.2.3	1	
186b	Damage	RS 19-2.15.2	1	
186c	Lubrication	RS 19-2.15.3.5	1	
186d	Other			
187 Wire Rope				
187a	Size/Construction:	Inch RS 19-2.15.2.3	1	
187b	Damage	RS 19-2.15.2	1	
187c	Lubrication	RS 19-2.15.3.5	1	
187d	Other			
188 Auxiliary Hoist Wire Line				
188a	Size/Construction:	Inch RS 19-2.15.2.3	1	
188b	Damage	RS 19-2.15.2	1	
188c	Lubrication	RS 19-2.15.3.5	1	
188d	Other			
189 Boom Fan				
189a	Size/Construction:	Inch RS 19-2.15.2.3	1	
189b	Damage	RS 19-2.15.2	1	
189c	Lubrication	RS 19-2.15.3.5	1	
189d	Other			
190 Jib/Rand				
190a	Size/Construction:	Inch RS 19-2.15.2.3	1	
190b	Damage	RS 19-2.15.2	1	
190c	Lubrication	RS 19-2.15.3.5	1	
190d	Other			
191 Hooks, Blocks & Balls				
191a	Weight & Capacity Label	B30.5-1.7.5	1	
191b	Sheaves	RS 19-2.15.4.3	1	
191c	Safety Latches	B30.5-1.7.6	1	
191d	Wear, Twist & Throat Opening	B30.5-1.2.1.3	1	
191e	Bearing/Swivel	B30.5-2.1.3(a)(4)	1	
191f	Wedge Socket End Fitting	B30.5-1.7.3(c)	1	
191g	Non-Destructive Test Results	RS 19-2.15.4.5	1	
191h	Other			
192 Ball Hook				
192a	Weight & Capacity Label	B30.5-1.7.5	1	
192b	Safety Latches	B30.5-1.7.6	1	
192c	Wear, Twist & Throat Opening	B30.5-1.2.1.3	1	
192d	Bearing/Swivel	B30.5-2.1.3(a)(4)	1	
192e	Wedge Socket End Fitting	B30.5-1.7.3(c)	1	
192f	Non-Destructive Test Results	RS 19-2.15.4.5	1	
192g	Other			

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14. Inspector's & Supervising Inspector's Endorsement		
Name	Signature of Inspector	Date
Name	Signature of Supervising Inspector	Date



NYC Dept. of Buildings Cranes & Derricks Division - 280 Broadway, Room 501, New York, NY 10007
Tel: (212) 566-4696 Fax: (212) 566-5871 E-mail: candd@buildings.nyc.gov

Passed or Failed

Tower Crane Inspection Checklist

Original

Copy

1. Inspection Information							
Date of Inspection:		Site Location:			Boro:		
CN Number:		CN Expiration Date:		Phase:		Current Height:	
Inspector Name:				Badge No.:			
Type of Inspection:	Erection	Assembled Load Test	Unassembled	Jump-Up	Jack-Down	Dismantle	
CD Extension	Re-Inspection	Audit	Patrol	Sweep	Chief Special	SWO Lift#	Complaint#
Inspection Results:		No Deficiencies		Okay to Issue CD		Re-Inspect:	
Was SWO Issued:		SWO # If Issued:		Number of Violations Issued*:			

2. Crane Data							
Make:		Model:		Serial No.:		Year:	
CD:		Expiration Date:		Max Capacity:		Boom/Jib Length:	
Type:	Luffing Boom	Hammer-Head	Power Plant:	Electric	Diesel	Climber Type:	Internal External

3. Crane Owner Information							
Crane Owner Name:				Contact Name:		Telephone:	
Address:				City:		State: Zip:	

4. Employer Information							
Company Name:				Contact Name:		Telephone:	
Address:				City:		State: Zip:	

5. Inspector Information							
Last Name:		First Name:		MI:			
Licence No:		Expiration Date:		Type: Master Tower Special Master Hanger Special Hanger			

6. Crane Safety Council Member Information							
Last Name:		First Name:		MI:			
Licence No:		Expiration Date:		On Site: Y N			

7. Crane Operator Information							
Last Name:		First Name:		MI:			
Licence No:		Expiration Date:		Type: Class A Class B Class C1 Class C2 Class C3			

8. General Contractor Site Safety Manager Information							
Company Name:				Contact Name:		Telephone:	
Address:				City:		State: Zip:	
Licence No:		Expiration Date:		General Contractor		Site Safety Manager	

9. ON-SITE DOCUMENTATION INSPECTION				
Item No.	Inspected Item	Code Section	SWO #1	Status*
1	Approved Plans on site	BC3219.4 & 5	1	
2	Crane set-up conformity	RS 19-2.5.0	1	
3	Jump Logs	BC3315.6	1	

9. ON-SITE DOCUMENTATION INSPECTION - CONTINUED				
Item No.	Inspected Item	Code Section	SWO #1	Status*
4	ON - On-Site Sign-off (CD-4)	RS 19-2.5.0 & BC3319.4	2	
5	CD - Approved CD (CD-2)	BC3319.4 & 5	2	
6	Plumb & Torque Report (CD-6)	BC3319.5.2	2	
7	Notice Raising/Lowering (CD-7)	RDNY 5-01(i)	1	

Item No.	Inspected Item	Code Section	SWO #1	Status*
1	Foundation Plans #		1	
2	Tower Crane Foundation Pad		1	
3	Anchors		1	
4	Template		2	
5	Housekeeping		2	
6	Tower Base Perimeter Protection		2	
7	Other			
8	Slab Tie-in Reinforcing: floor		1	
9	Tie-in Slab: floor		1	
10	Collars: floor		1	
11	Wedges: floor		1	
12	Tie-ins: floor		1	
13	Tie-in Bolts: floor		1	
14	Guyes:		1	
15	Collar/Tie Attachments: none wire rope chains		1	
16	Monthly Inspection Records		2	
17	Maintenance Records		2	
18	Repair/Modification Records		2	
19	Other			
20	Sheet Metal		2	
21	Guards/Covers		2	
22	Internal/External Lights		2	
23	Housekeeping		2	
24	Safety/Warning Decals & Labels		2	
25	Hand Signal Chart		2	
26	Paint Condition/Corrosion Control		2	
27	Other			
28	Housekeeping		2	
29	Grab Rails/Steps/Platforms		2	
30	Anti-Skid Surface		2	
31	Glass		1	
32	Windshield Wiper(s)		1	
33	Door Restraint		2	
34	Fire Extinguisher		2	
35	Mirrors		2	
36	Seat Restraint		2	
37	Seat Belt if required		2	
38	Operator's Manual		1	
39	Operating Instructions/Decals		2	
40	Electrocution Warning Sign - Inside		2	
41	Hand Signal Chart		1	
42	Swing Brake/House Lock		1	
43	Positive Swing Lock		1	
44	Controls - Forces/Movements		1	
45	Air Pressure		2	
46	Foot Brakes - Latches/Linkage		1	
47	Power Controlled Lowering		1	
48	Engine Clutch		2	
49	Accelerator/Throttle Control		2	
50	Other			
51	Per Configuration		1	
52	Durable		1	
53	Legible		1	
54	Visible from Operator's Station		1	
55	Secured		2	
56	Other			

Item No.	Inspected Item	Code Section	SWO #1	Status*
57	Performance		2	
58	Exh System Guards & Insulators		2	
59	Bells/Hoses		2	
60	Guard Cover/Rotat & Recip Parts		2	
61	Other			
62	Turntable/Bearing		1	
63	Turntable - Rollers/Roller Path		1	
64	Ring Gear/Pinion Gear		1	
65	Hydraulic Pump(s)		1	
66	Hydraulic Pressure		1	
67	Electrical Wiring		1	
68	Main Hoist - Clutches/Brakes		1	
69	Main Hoist - Wrapping On Drum		1	
70	Main Hoist - Min Rope Wraps		1	
71	Auxiliary Hoist - Clutches/Brakes		1	
72	Auxiliary Hoist - Wrap On Drum		1	
73	Auxiliary Hoist - Min Rope Wraps		1	
74	Boom Hoist - Clutches/Brakes		1	
75	Boom Hoist - Wrapping On Drum		1	
76	Boom Hoist - Min Rope Wraps		1	
77	Boom Hoist - Gears/Shafts/etc...		1	
78	Swing System/Assembly		1	
79	Hydraulic Motor/Valve/Line/etc...		1	
80	Drums/Flanges		1	
81	Clutch/Brake Protection		1	
82	Torque Converter		1	
83	Anti-Skid Surface		2	
84	Steps/Hand Holds/Platforms		1	
85	Access to Cab and Roof		1	
86	Air System - Compressor/Line/etc...		1	
87	Counterweight, Frame, Mounting		1	
88	Counterweight Warning Signs		1	
89	Electrocution Warning Sign Outside		1	
90	Other			
91	Warning Decals		1	
92	Boom Angle Indicator		1	
93	Boom Hoist Shutoff		1	
94	Boom Hoist Ratchet and Pawl		1	
95	Lower Hoist Limit Device		1	
96	Trolley Limit Device		1	
97	Main Drum Rotation Indicator		1	
98	Auxiliary Drum Rotation Indicator		1	
99	Load Moment Indicator		1	
100	Load Weight Indicator		1	
101	Radius Indicator		1	
102	Crane Level Indicator		1	
103	Anti-Two Block Device		1	
104	Two-Block Warning Device		1	
105	Wind Velocity Device		1	
106	Weather Vane		1	
107	Aircraft Strobe Light		1	
108	Gantry/Mast		1	
109	Boom Stops		1	
110	Inner Ball		1	
111	Outer Ball/Equalizer		1	
112	Sheaves		1	
113	Boom Hoist Reeving		1	
114	Other			

Westlaw.

NYC Code § 3319.1

New York City, N.Y., Code § 3319.1

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NEW YORK CITY CHARTER, CODE, AMENDMENTS & RULES
NEW YORK CITY ADMINISTRATIVE CODE
TITLE 28. NEW YORK CITY CONSTRUCTION CODES
CHAPTER 7. THE NEW YORK CITY BUILDING CODE.
ARTICLE 701 ENACTMENT AND UPDATE OF THE NEW YORK CITY BUILDING CODE
CHAPTER 33. SAFEGUARDS DURING CONSTRUCTION OR DEMOLITION.
SECTION BC 3319 CRANES AND DERRICKS
Currency through Local Laws 21 of 2008 and Chapters 1 - 400 of the
Laws of the State of New York for 2008.

3319.1. Scope.

The construction, installation, inspection, maintenance and use of cranes and derricks shall be in conformance with the requirements of this section, Section 3316, and with rules promulgated by the commissioner.

<General Materials (GM) - References, Annotations, or Tables>

NYC Code § 3319.1

END OF DOCUMENT



Westlaw

NYC Code § 3319.2

New York City, N.Y., Code § 3319.2

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NEW YORK CITY CHARTER, CODE, AMENDMENTS & RULES
NEW YORK CITY ADMINISTRATIVE CODE
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Laws of the State of New York for 2008.

3319.2. Operation.

Riggers and hoisting machine operators shall be licensed as required by Chapter 4 of Title 28 of the Administrative Code.

<General Materials (GM) - References, Annotations, or Tables>

NYC Code § 3319.2

END OF DOCUMENT

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NYC Code § 3319.3
New York City, N.Y., Code § 3319.3

6. The requirements of this section shall not apply to cranes or derricks used in industrial or commercial plants or yards not used for the construction of the facility. Floating cranes, floating derricks, and cranes and derricks used on floating equipment shall also be exempt from the requirements of this section. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.

7. The requirements of this section shall not apply to augurs, churn-drills and other drilling equipment not used for hoisting any objects. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.

8. The requirements of this section shall not apply to derricks having a maximum rated capacity not exceeding 1 ton (907 kg).

9. The requirements of this section shall not apply to mechanic's truck with a hoisting device when used in activities related to the maintenance and repair of construction-related equipment.

10. The requirements of this section shall not apply to articulating boom cranes that do not have an integral hoisting mechanism, and that are used exclusively for loading and unloading of trucks or trailers, provided that the length of boom does not exceed 135 feet (41 148 mm) and that any material transported thereon shall not be raised more than 100 feet (30 480 mm) in the unloading process. Operators of such equipment shall be exempt from licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.

<General Materials (GM) - References, Annotations, or Tables>

NYC Code § 3319.3
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3319.3. Requirements.

No owner or other person shall authorize or permit the operation of any crane or derrick without a certificate of approval, a certificate of operation and a certificate of on-site inspection.

Exceptions:

1. The requirements of this section shall not apply to excavating or earth-moving equipment, except cranes used with clamshells.
2. The requirements of this section shall not apply to cranes or derricks performing an emergency use pursuant to the lawful order of the head of any department.
3. The requirements of this section shall not apply to mobile cranes, including jibs and any other extensions to the boom not exceeding 50 feet (15 240 mm) in length and with a manufacturer's rated capacity of 3 tons (2722 kg) or less.
4. The requirements of this section shall not apply to mobile cranes, including jibs and any other extensions, exceeding 50 feet (15 240 mm) but not exceeding 135 feet (41 148 mm) in length, and with a manufacturer's rated capacity of 3 tons (2722 kg) or less, except that a certificate of operation, as provided for in Section 3319.5, shall be required. The requirement for a certificate of operation shall not apply to such a crane used exclusively as a man basket. The commissioner may, by rule, exempt other mobile cranes of limited size from any or all requirements of this section.
5. The requirements of this section shall not apply to hoisting machines permanently mounted on the bed of material delivery trucks that are used exclusively for loading and unloading such trucks, provided that the length of boom does not exceed the length of the truck bed by more than 5 feet (1524 mm) and that any material transported thereon shall not be raised more than 2 feet (610 mm) in the unloading process. Operators of such equipment shall be exempt from licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.

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NYC Code § 3319.4

New York City, N.Y., Code § 3319.4

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3319.4. Certificate of approval.

Certificates of approval shall comply with the following:

1. The manufacturer, owner, or designated representative of a crane or derrick for which a certificate of approval is sought shall file an application for such certificate of approval and provide such information as set forth in rules promulgated by the commissioner.
2. Upon the department's approval of the application described in item 1 above, the department shall issue a certificate of approval for the equipment and an approval of the submitted load rating chart.
3. A new certificate of approval shall be required when a crane or derrick is modified or altered to increase the boom length, jibs or any extensions to the boom beyond the maximum approval length or when the load ratings are increased.

<General Materials (GM) - References, Annotations, or Tables>

NYC Code § 3319.4

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NYC Code § 3319.5

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3319.5. Certificate of operation.

Certificates of operation shall comply with the following:

1. The commissioner shall issue the initial certificate of operations for the crane or derrick with certificate of approval upon satisfactory inspection and test indicating that such crane or derrick is in a safe operating condition. The initial certificate of operation shall expire one year from the date of issuance.
2. The owner of a crane or derrick covered by the certificate of operation shall renew the certificate of operation each year.
3. If the owner of the covered crane or derrick applies for renewal of a certificate of operation within not more than 60 nor less than 30 days prior to the date of its expiration, such owner may continue to use the covered crane or derrick until the department grants or denies a new certificate;
4. When a crane or derrick configuration is changed to increase the boom length, jibs or any extensions to the boom beyond the maximum approval length or when the load ratings are increased, a new certificate of operation shall be required. In such a case, the crane or derrick may not be operated until the new certificate of operation is obtained.
5. An application for a new certificate of operation shall be submitted when attachments that affect the stability or structure of the crane or derrick are added. Calculations and load rating charts as required by rules promulgated by the commissioner shall be submitted with the renewal request.

<General Materials (GM) - References, Annotations, or Tables>

NYC Code § 3319.5

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3319.6. Certificate of on-site inspection.

Certificates of on-site inspection shall comply with the following:

1. The equipment user, or his or her designated representative, shall obtain a certificate of on site inspection for the use of any crane or derrick used for construction or demolition purposes at each job site. Such application for the certificate of on-site inspection shall include information set forth in rules promulgated by the commissioner.
2. Upon approval of the application, a copy of such approval shall be given to the applicant. It shall be unlawful to operate the equipment that is the subject of the approval until it has been inspected and found to be satisfactory by the department as set forth in rules promulgated by the commissioner. Upon inspection and a finding of satisfactory compliance, the approval shall be deemed a certificate of on-site inspection, which shall expire one year from the date of issuance. A certificate of on-site inspection may be renewed in accordance with rules promulgated by the commissioner;
3. The certificate of on-site inspection is y valid only if the conditions and statements contained in the approved application are complied with and the crane or derrick is operated in conformance with the provisions of this section and the rules applicable thereto.
4. A certificate of on-site inspection is not required for cranes or derricks performing work exempted from such requirement by rules promulgated by the commissioner.

<General Materials (GM) - References, Annotations, or Tables>

NYC Code § 3319.6

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3319.7. Temporary certificates.

The commissioner may issue temporary certificates of approval, operation and on-site inspection for any crane or derrick during the pendency of an application for certificates of approval and operation upon inspection and upon such analysis and testing as the commissioner may deem necessary. The commissioner may revoke such temporary certificates if the application is denied.

<General Materials (GM) - References, Annotations, or Tables>
HISTORICAL NOTE

Section added L.L. 33/2007 § 16, eff. July 1, 2008.
NYC Code § 3319.7
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Int. No. 796-A

By Council Members Lappin, Comrie, Gentile, Jackson, James, Koppell, Monserrate, Nelson, Palma, Recchia Jr., Seabrook, Stewart, Weprin, Dickens, White Jr., Mealy and Sears (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to tower and climber cranes and to licensed riggers.

Be it enacted by the Council as follows:

Section 1. Section 3302.1 of the building code of the city of New York is amended by adding the following definitions in alphabetical order:

CLIMBING/JUMPING. The raising or lowering of a tower or climber crane to different floors or levels of a building or structure.

DISMANTLING. The final process of taking apart, piece by piece, in a specific sequence, the components of a crane. Dismantling shall include climbing and jumping.

ERECTION. The assembly and placement of crane sections and components into place, including all operations incidental thereto. Erection shall include climbing and jumping.

§2. The building code of the city of New York is amended to add a new section 3319.8 to read as follows:

3319.8 Special provisions for tower and climber cranes. Tower and climber cranes shall comply with the following requirements:

3319.8.1 Plan for the erection, jumping, climbing, and dismantling of tower or climber cranes. An erection, jumping, climbing and dismantling plan for tower or climber cranes, other than truck and crawler mounted tower cranes, shall be submitted to the department by a licensed engineer. The plan must be prepared by a licensed engineer in conjunction with a licensed rigger and must be in compliance with the manufacturer's recommendation for erection, jumping, climbing, or dismantling of the specific crane where such manufacturer's recommendations exist. The plan must be filed with

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the certificate of on-site inspection application as required by section 3319.3. No erection, jumping climbing, or dismantling of a tower or climber crane shall take place without the prior issuance of a certificate of on-site inspection by the cranes and derricks unit. The plan shall include the following:

1. Identification of the equipment proposed to be used; including all machines proposed to be used in the erection or dismantling;
2. A detailed identification of the assemblies and components required for the erection and dismantling of the equipment;
3. Location of the equipment, sidewalk sheds (or Department of Transportation street closing permits, if applicable), surrounding buildings, protection for their roofs and the pick-up points, loads, and radius of swing of all loads. In addition, the safe load from the approved load radius chart shall be submitted for lift radius;
4. A weight list of all assemblies and components proposed to be lifted. Components are to be clearly marked with their weight painted on the assembly or stamped on metal tags attached to the assembly. The manufacturer of the climber or tower crane shall certify the weight of assemblies and components. Alternately, in lieu of painted weight markings or metal tags, or when the manufacturer's certification is not available, the licensed engineer applicant shall certify an erection, jumping, climbing or dismantling weight list indicating how such weights were determined;
5. The center of gravity of all asymmetrical components shall be located and shown;
6. A sequence of operation detailing the erection, jumping, climbing, and dismantling, along with the rigging materials to be used in such operations;
7. The certification of the calibration as required in item 6 of section 3319.8.8;
8. Cranes or derricks located either within the lot line or on the street and used to erect, jump, climb, or dismantle a tower or climber crane shall be indicated;
9. The names and contact information of the licensed master, climber or tower crane rigger, rigger foreman, and the crane safety coordinator or designee, along with the name and contact information of the company performing the erection, dismantling, climbing and/or jumping work.

3319.8.2 Safety coordination meeting. The general contractor must hold a safety coordination meeting prior to the initial erection, as well as the dismantling or initial jump down, of a climber or tower crane. No work related to the erection, climbing, jumping or dismantling of the tower or climber crane may be performed without the safety coordination meeting having taken place. The following parties must be present at the safety coordination meeting:

1. General contractor or designee;
2. Professional engineer of record for the crane or designee;
3. Licensed master, tower or climber crane rigger and rigger foreman;
4. Crane safety coordinator;
5. Site safety manager or coordinator, if required for the job by Chapter 33 of the code;
6. Licensed crane operator and oiler; and
7. Any other parties the department deems necessary.

3319.8.3 Pre-jump safety meeting. The general contractor must coordinate a pre-jump safety meeting no more than 24 hours prior to each instance of a tower or climber crane jump or climb. No work related to the jumping or climbing of the tower or climber crane may be performed without the pre-jump safety meeting having taken place. The following parties must be present at the pre-jump safety meeting:

1. General contractor or designee;
2. Licensed master, tower or climber crane rigger and rigger foreman;
3. Crane safety coordinator;
4. Site safety manager or coordinator, if required for the job by Chapter 33 of the building code;
5. Licensed crane operator and oiler;
6. "Jumping" crew and back-up personnel;
7. Flagman/woman where required;
8. Signalman/woman and communications personnel; and
9. Any other parties the department deems necessary.

3319.8.4 Department notification.

3319.8.4.1 Meeting notifications. The general contractor must notify the department at least 48 hours in advance of any safety coordination meeting or pre-jump safety meeting. No work related to the erecting, jumping, climbing, or dismantling of the tower or climber crane is to be performed without prior notice of the meeting having been given to the department.

3319.8.4.2 Time schedule. A time schedule including date and time of day that the erection, jumping, climbing, or dismantling is proposed to take place shall be provided as soon as it is known by the general contractor.

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3319.8.5 Safety coordination and pre-jump safety meeting topics. The following topics are to be covered during safety coordination and pre-jump safety meetings:

1. Scope of work;
2. Roles and responsibilities;
3. Rigging to be used and the specific sequence of operations;
4. Inspection of all rigging equipment, materials, and tools prior to work;
5. Review of all equipment, including but not limited to, collars, ties, and bolts;
6. Permit validity;
7. Qualifications and training of personnel;
8. Relevant weather warnings;
9. Compliance with the manufacturer's manual; and
10. Softening mechanisms, if using nylon slings.

3319.8.6 Meeting log. The general contractor, or his or her designee, and/or the company erecting, jumping, climbing, or dismantling the tower or climber crane shall keep a log on site and available to the department at all times that shall include:

1. the dates and times of all safety coordination meetings and pre-jump safety meetings held;
2. the names, titles, and company affiliations of all those present at the meetings;
3. a summary of what was discussed during each meeting, including specific tasks and the name of the person to whom they were assigned;
4. a list of the decisions made at the meeting; and
5. certification of worker training pursuant to Section 3319.10.

3319.8.7 Inspection and certification by the engineer of record. Prior to jumping or climbing a tower or climber crane, the engineer of record for the crane must provide the department with a certified, signed, and sealed report stating that:

1. he or she (or his or her designee) has inspected the crane installation prior to the pre-jump safety meeting, and providing the date of inspection;
2. he or she has found no hazardous conditions during the crane inspection or any other condition within his or her purview that adversely affects the safety of erection, dismantling, climbing, or jumping operations;
3. the crane is installed according to the plans approved by the department as well as in accordance with the manufacturer's specifications to the extent applicable; and
4. the appropriate technical testing records for the crane, including torque, plumb, and magnetic particle or other appropriate reports comply with safety requirements and with the manufacturer's specifications.

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3319.8.8 Erection, jumping, climbing, and dismantling operations. The erection, jumping, climbing, and dismantling operations for tower and climber cranes shall be subject to the following requirements:

1. The licensed master, tower or climber crane rigger, the rigger foreman, and the crane safety coordinator or designee, shall be present at the job site during erection, jumping, climbing, and dismantling of the tower or climber crane;
2. Cranes or derricks located either within the lot line or on the street, and used to erect, jump, climb, or dismantle tower or climber cranes, shall be subject to certificate of on-site inspection requirements;
3. A load radius chart approved by department shall be posted in the cabin of the crane;
4. The approved erection, jumping, climbing, or dismantling procedure and sequence, with weights of assemblies and components clearly marked, shall be given by the crane safety coordinator to the licensed operator of the crane or derrick and to the rigger prior to commencement of the work;
5. No tower or climber crane shall be placed, erected or disassembled in any roadway, sidewalk, or street unless a permit is first obtained from the New York City Department of Transportation;
6. All accepted or approved installed safety devices on a crane involved in the erection, jumping, climbing, or dismantling procedure shall have been calibrated within the time period provided by department rules or manufacturer's specifications; and
7. The safety devices of the tower or climber crane shall be inspected by the licensed crane operator as part of the inspection procedure.

§3. Item 12 of section 28-201.2.1 of the administrative code of the city of New York is amended to read as follows:

12. A violation by a licensed rigger or person performing the functions and duties of a licensed rigger of the provisions of sections 28-404.1 or 28-401.9 of this code or such person's failure to ensure that workers have certificates of fitness required pursuant to this code or applicable rule or any person's violation of the provisions of section [3314.10] 3314.4.3.1 of the New York city building code.

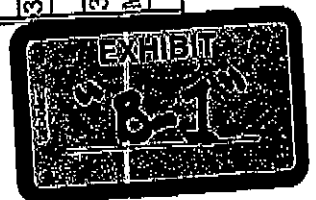
§4. Section 28-401.19.4.1 of the administrative code of the city of New York is amended to read as follows:

§28-401.19.4.1 Rigger license. Any licensed rigger who has been found guilty after proceedings before the environmental control board or other adjudicative proceedings of violating section 28-404.1 or [28-404.9] 28-401.9 of the administrative code or [section 3314.10] sections 3314.1.1 and 3314.4.3.1 of the New York city building code, or of failing to insure that workers have certificates of fitness required pursuant to this code or applicable rule three times within any six-month period, shall be subject to immediate suspension of his or her license pending a hearing and determination in accordance with the provisions of this code.

§5. This local law shall take effect ninety days from its enactment.

NEW YORK CITY BUILDING CODE - CRANES and Derrick's (Section 3319)		PREEMPTED BY FEDERAL STATUTE
3319.1 SCOPE		29 C.F.R. s 1926.550(a)(1); 29 U.S.C.A. s 667
3319.3 REQUIREMENTS		29 U.S.C.A. s 667; 29 C.F.R. s 1926.550(a)(1)
3319.4 CERTIFICATE OF APPROVAL		29 U.S.C.A. s 667; 29 C.F.R. s 1926.550(a)(1); 29 C.F.R. s 1926.550 et al
3319.5 CERTIFICATE OF OPERATION		29 U.S.C.A. s 667; 29 C.F.R. s 1926.550(a)(1); 29 C.F.R. s 1926.550 et al
3319.6 CERTIFICATE OF ON-SITE INSPECTION		29 U.S.C.A. s 667; 29 C.F.R. s 1926.550(a)(1); 29 C.F.R. s 1926.550 et al
3319.7 TEMPORARY CERTIFICATE		29 U.S.C.A. s 667; 29 C.F.R. s 1926.550(a)(1)
3319.8.1 PLAN FOR THE ERECTION, JUMPING, CLIMBING AND DISMANTLING OF TOWER AND CLIMBER CRANES		29 C.F.R. s 1926.20(b)(1) and (4); 29 C.F.R. s 1926.21(a)-(b)(1); 29 U.S.C.A. s 667
3319.8.2 SAFETY COORDINATION MEETING		29 C.F.R. s 1926.20(b)(1) and (4); 29 C.F.R. s 1926.21(a)-(b)(1); 29 U.S.C.A. s 667
3319.8.3 PRE-JUMP SAFETY MEETING		29 U.S.C.A. s 667
3319.8.4.1 MEETING NOTIFICATIONS		29 C.F.R. s 1926.20(b)(1) and (4); 29 C.F.R. s 1926.21(a)-(b)(1); 29 U.S.C.A. s 667
3319.8.5 SAFETY COORDINATION AND PRE-JUMP SAFETY MEETING TOPICS		29 C.F.R. s 1926.20(b)(1) and (4); 29 C.F.R. s 1926.21(a)-(b)(1); 29 U.S.C.A. s 667

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3319.8.6 MEETING LOG	29 C.F.R. s 1926.20(b)(1) and (4); 29 C.F.R. s 1926.21(a)-(b)(1); 29 U.S.C.A. s 667
3319.8.7 INSPECTION AND CERTIFICATION BY THE ENGINEER OF RECORD	29 C.F.R. s 1926.550(a)(5); 29 C.F.R. 1926.550(a)(1); 29 C.F.R. s 1910.179(j); 29 U.S.C.A. s 667
3319.8.8(3) LOAD RADIOUS CHART	29 C.F.R. s 1926.550(a)(1); 29 U.S.C.A. s 667
3319.8.8(4) APPROVAL PROCEDURE	29 C.F.R. s 1926.550(a)(1); 29 U.S.C.A. s 667
3319.8.8 (6) CALIBRATION	29 C.F.R. s 1926.550(a)(1); 29 U.S.C.A. s 667
3319.8.8(7) INSPECTION	29 C.F.R. s 1926.550(a)(5); 29 U.S.C.A. s 667

DOB 6/17/08

Anderson, Maura

From: Saved by Windows Internet Explorer 8
Sent: Friday, February 06, 2009 12:34 PM
Subject: DOB 6/17/08

Int. No. 795-A

By Council Member Lappin, Comrie, Gentile, Jackson, James, Koppell, Monserrate, Nelson, Palma, Recchia Jr., Seabrook, Stewart, Weprin, Gerson, Dickens, White Jr., Liu, Garodnick, Mealy and Sears (in conjunction with the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to slings for tower and climber cranes.

Be it enacted by the Council as follows:

Section 1. Section BC 33 of the administrative code of the city of New York is amended by adding new section 3319.9 to read as follows:

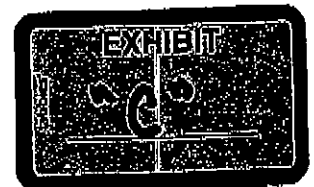
3319.9 Slings. Slings shall be used in accordance with the following requirements and any rules promulgated by the commissioner.

3319.9.1 Use of nylon slings in conjunction with climber or tower crane erection, jumping climbing, and dismantling. Nylon slings shall only be used in conjunction with climber or tower crane erection, jumping, climbing, and dismantling if the manufacturer's manual specifically states or recommends the use of nylon slings. Nylon slings shall not be used unless softening mechanisms have been applied to all sharp edges.

3319.9.2 Discarded rope. Discarded rope shall not be used for slings.

§2. This local law shall take effect thirty days from enactment.

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NEW YORK CITY BUILDING CODE - SLINGS		PREEMPTED BY FEDERAL STATUTE
3319.9 SLINGS		29 C.F.R. s1926.550(a)(1); 29 C.F.R. s1926.251; 29 C.F.R. s 1926.251(d)(6)

